

UNITED STATES DISTRICT COURT
for the
Western District of North Carolina

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| United States of America |) | |
| v. |) | |
| Robert Lamont Maddox |) | Case No: <u>5:05CR216-1</u> |
| Date of Original Judgment: <u>April 16, 2007</u> |) | USM No: <u>21538-058</u> |
| Date of Last Amended Judgment: <u>April 16, 2010</u> |) | M. Victoria Jayne |
| |) | Defendant's Attorney |

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ is reduced to _____

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

| | |
|--|---|
| Original Offense Level: <u>25</u> | Amended Offense Level: <u>19</u> |
| Criminal History Category: <u>VI</u> | Criminal History Category: <u>VI</u> |
| Original Guideline Range: <u>110 to 137 months</u> | Amended Guideline Range: <u>63 to 78 months</u> |

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Other (explain): *The defendant also received a 60 month consecutive sentence in Count Two for a conviction under 18 U.S.C. § 924(c).

III. ADDITIONAL COMMENTS

No reduction. The mandatory minimum remains 60 months as there was no departure under 18 U.S.C. § 5K1.1 or a 3553(e) waiver granted in this case.

Except as provided above, all provisions of the judgment dated April 16, 2007, shall remain in effect.

IT IS SO ORDERED.

Order Date: February 1, 2012

Effective Date: February 1, 2012
(if different from order date)

Richard L. Voorhees
United States District Judge

